

# House Study Bill 185

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON UPMAYER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for regulation by the Iowa department of public  
2 health of playgrounds operated by public agencies and  
3 providing an applicability date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2469HC 81  
6 jp/gg/14

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1 1 Section 1. NEW SECTION. 135.160 PLAYGROUND REQUIREMENTS.  
1 2 1. For the purposes of this section, unless the context  
1 3 otherwise requires:  
1 4 a. "Playground" means an improved area that is designed,  
1 5 equipped, and set aside for children's play. A playground  
1 6 does not include an improved area intended for use as an  
1 7 athletic playing field, athletic court, or skateboarding park.  
1 8 b. "Public agency" means a state agency, a political  
1 9 subdivision of the state, or a school corporation.  
1 10 2. The department shall adopt rules for the installation,  
1 11 inspection, and maintenance of the surfacing used in  
1 12 playgrounds operated or maintained by a public agency. The  
1 13 rules shall provide surfacing guidelines and criteria as  
1 14 necessary to provide a degree of protection for playground  
1 15 users that is at least equivalent to the degree provided in  
1 16 the guidelines published by the United States consumer product  
1 17 safety commission in the most recently issued handbook for  
1 18 public playground safety. The department shall give  
1 19 consideration to any successor publication to the handbook  
1 20 published by the consumer product safety commission and the  
1 21 department shall apply requirements deemed to provide a  
1 22 greater degree of protection when the federal guidelines are  
1 23 deemed by the department to provide inadequate protection.  
1 24 3. A public agency operating a playground shall install,  
1 25 upgrade, or replace the playground's surfacing as necessary  
1 26 for the playground to comply with the rules adopted by the  
1 27 department. The rules shall apply at the time a new  
1 28 playground is installed or developed or an existing playground  
1 29 is redeveloped, upgraded, or replaced. State funding shall  
1 30 not be utilized to install, develop, redevelop, upgrade, or  
1 31 replace a playground operated by a public agency unless the  
1 32 playground is in compliance with the rules adopted by the  
1 33 department.

1 34 Sec. 2. APPLICABILITY. The Iowa department of public  
1 35 health shall adopt administrative rules pursuant to chapter  
2 1 17A to implement section 135.160, as enacted by this Act, and  
2 2 the rules shall take effect on or before January 1, 2006. The  
2 3 requirements of section 135.160, as enacted by this Act, shall  
2 4 apply to playgrounds operated by a public agency that are  
2 5 installed, developed, redeveloped, upgraded, or replaced on or  
2 6 after January 1, 2006, or the effective date of the  
2 7 departmental rules, whichever is earlier.

2 8 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
2 9 3, shall not apply to this Act.

## EXPLANATION

2 11 This bill provides for regulation by the Iowa department of  
2 12 public health of playgrounds operated by public agencies. The  
2 13 term "playground" is defined to mean an improved area that is  
2 14 designed, equipped, and set aside for children's play.  
2 15 Certain types of improved areas such as athletic fields are  
2 16 specifically exempted from the scope of the term.  
2 17 The term "public agency" is defined to mean a state agency,

2 18 a political subdivision of the state, or a school corporation.  
2 19 The department is required to adopt its rules for  
2 20 installation, inspection, and maintenance of playgrounds based  
2 21 upon the guidelines issued by the United States consumer  
2 22 product safety commission in the commission publication  
2 23 entitled "handbook for public playground safety". The  
2 24 department is directed to adopt requirements deemed to provide  
2 25 a greater degree of protection when the federal guidelines are  
2 26 deemed by the department to provide inadequate protection.  
2 27 The rules are applicable at the time a new playground is  
2 28 installed or developed or an existing playground is  
2 29 redeveloped, upgraded, or replaced. The bill requires the  
2 30 departmental rules to take effect on or before January 1,  
2 31 2006, and the rules are first applicable on that date unless  
2 32 the rules provide an earlier effective date.  
2 33 The bill may include a state mandate as defined in Code  
2 34 section 25B.3. The bill makes inapplicable Code section  
2 35 25B.2, subsection 3, which would relieve a political  
3 1 subdivision from complying with a state mandate if funding for  
3 2 the cost of the state mandate is not provided or specified.  
3 3 Therefore, political subdivisions are required to comply with  
3 4 any state mandate included in the bill.  
3 5 LSB 2469HC 81  
3 6 jp:nh/gg/14